

Bill No. SB 710

Barcode 630120

585-1916-06

Proposed Committee Substitute by the Committee on Governmental Oversight and Productivity

1                               A bill to be entitled  
2           An act relating to a review under the Open  
3           Government Sunset Review Act; amending s.  
4           787.03, F.S.; revising the public-records  
5           exemption for certain information submitted to  
6           a sheriff or state attorney as part of a  
7           statutory exception to the offense of  
8           interference with custody; narrowing the  
9           public-records exemption to exclude the name of  
10          the person who effects the taking; specifying  
11          that the information covered by the  
12          public-records exemption relates to the taking  
13          of a minor; expanding the exemption to provide  
14          confidentiality for information related to the  
15          taking of an incompetent person; providing for  
16          agencies to inspect and copy confidential and  
17          exempt information in the transaction of  
18          official business; providing for future  
19          legislative review and repeal of the  
20          public-records exemption under the Open  
21          Government Sunset Review Act; deleting obsolete  
22          provisions; providing a statement of public  
23          necessity; providing a contingent effective  
24          date.

25  
26 Be It Enacted by the Legislature of the State of Florida:

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28           Section 1. Paragraph (c) of subsection (6) and  
29           subsection (7) of section 787.03, Florida Statutes, are  
30           amended to read:

31           787.03 Interference with custody.--

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1 (6)

2 (c)1. The name of the person taking the child and The  
 3 current address and telephone number of the person and the  
 4 minor or incompetent person which are child that are contained  
 5 in the report made to a sheriff or state attorney under  
 6 paragraph (b) are confidential and exempt from s. 119.07(1)  
 7 and s. 24(a), Art. I of the State Constitution.

8 2. A sheriff or state attorney may allow an agency, as  
 9 defined in s. 119.011, to inspect and copy records made  
 10 confidential and exempt under this paragraph in the  
 11 furtherance of that agency's duties and responsibilities. This  
 12 paragraph is subject to the Open Government Sunset Review Act  
 13 in accordance with s. 119.15 and is repealed on October 2,  
 14 2011, unless reviewed and saved from repeal through  
 15 reenactment by the Legislature.

16 ~~(7)(a) This section is subject to the Open Government~~  
 17 ~~Sunset Review Act of 1995 in accordance with s. 119.15 and is~~  
 18 ~~repealed on October 2, 2006, unless reviewed and saved from~~  
 19 ~~repeal through reenactment by the Legislature.~~

20 ~~(b) Pursuant to s. 119.15, the Division of Statutory~~  
 21 ~~Revision is directed to certify this section, in its entirety,~~  
 22 ~~in the list of Open Government Sunset Review exemptions to be~~  
 23 ~~certified by June 1, 2005.~~

24 Section 2. The Legislature finds that it is a public  
 25 necessity to expand the public-records exemption for certain  
 26 information contained in a report to a sheriff or state  
 27 attorney made by a person who takes a minor in order to escape  
 28 domestic violence, avoid domestic violence, or preserve the  
 29 welfare of the minor. If the alleged perpetrator of domestic  
 30 violence were able to obtain the address and telephone  
 31 information contained in a report to the sheriff or state

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1 attorney, he or she could locate or contact the person who  
2 takes a minor and the minor, thus exposing them to potential  
3 additional harm. Keeping the address and telephone number of  
4 that person and the minor confidential and exempt protects  
5 their safety. For the same reasons, the Legislature finds that  
6 it is a public necessity to expand this public-records  
7 exemption to include the taking of an incompetent person  
8 within the coverage of the exemption. The underlying offense  
9 of interference with custody applies to the taking of an  
10 incompetent person as well as to the taking of a person  
11 younger than 18 years of age. In addition, the safety of an  
12 incompetent person and the person seeking shelter with an  
13 incompetent person is as vital as the safety of a minor and a  
14 person seeking shelter with a minor. The underlying offense of  
15 interference with custody envisions that an incompetent person  
16 is as vulnerable as a minor. Therefore, the Legislature finds  
17 that the public-records exemption should apply to the address  
18 and telephone number of the person who takes an incompetent  
19 person and the incompetent person which are contained in a  
20 report submitted to a sheriff or state attorney as prescribed  
21 in the interference-with-custody statute. If persons seeking  
22 shelter with minors or incompetent persons knew that their  
23 addresses or telephone numbers could be obtained through the  
24 reports to the sheriff or state attorney, they would fear for  
25 their safety and would unlikely make the required reports,  
26 thereby thwarting the public policy of encouraging the  
27 resolution of allegations of interference with custody while  
28 also protecting individuals from harm. The public-records  
29 exemption, therefore, principally protects the safety of  
30 individuals, but also promotes the effective and efficient  
31 administration of the interference-with-custody statute.

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1           Section 3. This act shall take effect October 1, 2006,  
2 if Senate Bill \_\_\_\_, or similar legislation amending section  
3 787.03, Florida Statutes, is adopted in the same legislative  
4 session, or an extension thereof, and becomes law.

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